

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CARL RICHARD,	:
Plaintiff	:
v.	: Case No. 3:24-cv-89-KAP
SUPERINTENDENT BARRY SMITH,	:
<i>et al.</i> ,	:
Defendants	:

Memorandum Order

Plaintiff Carl Richard, an inmate at S.C.I. Houtzdale, filed a complaint subject to the Prison Litigation Reform Act in the Middle District of Pennsylvania that the Middle District transferred here. Richard did not seek *in forma pauperis* status and paid the filing fee. In April 2024 I accordingly ordered him to make timely service on the defendants as provided in Fed.R.Civ.P. 4(m). I further advised Richard that if he “wants the Marshal to make service (at plaintiff’s expense) on the defendants he should file a motion requesting an order to that effect.” ECF no. 6.

Richard did not file a timely return of service, nor did he file a motion asking for the Marshal to be appointed to make service. In May 2024 Richard sent correspondence to the Clerk asking the Marshal for service paperwork. ECF no. 7. That is not a motion requesting that the Marshal make service.

Plaintiff is given thirty days to file a return of service or to file a motion seeking the appointment of the Marshal to make service, or I will recommend dismissal of this matter for failure to prosecute.



DATE: October 17, 2024

Notice by U.S. Mail to:

Carl Richard NE-8049
S.C.I. Houtzdale
P.O. Box 1000
Houtzdale, PA 16698-1000

Keith A. Pesto,
United States Magistrate Judge